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NESCAUM

Northeast States for
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William F. Cass
Executive Director

April 2, 1999

The Honorable Dr. Donna Shalala, Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Shalala:

We are writing on behalf of the air quality and waste management agencies in the northeast states and the Conference of New England Governors and Eastern Canadian Premieres Regional Mercury Task Force to express concern about the proposed adjustment of the Chronic Minimal Risk Level (MRL) for oral exposure to methylmercury that the Agency for Toxic Substances and Disease Registry (ATSDR) is considering. We are concerned that adoption of the proposed Chronic MRL, which is based upon the results of the Seychelles study, will adversely impact existing state-based public health programs established to address the methylmercury contamination problem in the Northeast.

The state programs are based on solid scientific evidence and public health policy. Sampling data from the Northeast demonstrate that mercury levels in the tissue of non-commercial freshwater fish can exceed, by an order of magnitude, those levels found in marine fish from the Seychelles. Based on the results of fish monitoring surveys, analyses of the health risk, and of the potential population exposure, the northeast states decided to issue freshwater fish consumption advisories. To reduce the public health threat from this toxin, the states have also embarked on significant efforts to identify and implement strategies to reduce mercury releases to the environment. The Northeast states believe that the proposed Chronic MRL, based on a single research study, will introduce confusion that may threaten these important public health programs.

We are also concerned about the process used in developing this new Chronic MRL and its potential affect on existing and future public health protection programs. The scientific basis of the proposed MRL is in dispute and does not have broad support in the scientific community. Furthermore, given the

important mercury-related efforts underway in the Northeast and elsewhere, we are dismayed that ATSDR would establish a Chronic MRL without first consulting the states. Lastly, as you know, the National Academy of Sciences (NAS) has been asked to perform a comprehensive review of mercury health research and prepare a recommendation on the appropriate health protective level for chronic mercury exposure within the next two years. Given mercury's persistence once released into the environment, its ability to bioaccumulate, and its potential to cause irreversible harm to our most vulnerable and valuable resource, our children, ATSDR should proceed with great caution in this matter. Towards this end, we believe any relaxation of the Chronic MRL should await completion and review of the conclusions of the NAS study.

Mercury is a dangerous toxin. The states in our region, along with the Eastern Canadian provinces, have agreed to reduce anthropogenic emissions of this pollutant by at least 50 percent over the next five years and are committed to the virtual elimination of mercury emissions over time. The proposed Chronic MRL may lend credence to the arguments made by some against further mercury controls. On behalf of the northeast states, we urge you to carefully consider the ramifications of your decision with regard to the proposed Chronic MRL for mercury.

Sincerely,



Jason Grumet,
Executive Director
NESCAUM

William F. Cass,
Executive Director
NEWMOA



Clifford Mark Smith, Ph.D, M.S.
Co-chair
NEGC/ECP Regional Mercury
Task Force

cc:

William Raub, Senior Policy Advisor, Dept. of Health and Human Services
Jeffrey Koplan, Director, Centers for Disease Control
Peter McCumiskey, Administrator, Agency for Toxic Substances and Disease Registry
Christopher DeRosa, Director, Division of Toxicology, Agency for Toxic
Substances and Disease Registry
Carol Browner, Administrator, Environmental Protection Agency

The Northeast States for Coordinated Air Use Management (NESCAUM) and the Northeast Waste Management Officials' Association (NEWMOA) are regional associations of state environmental, agencies for air and waste, respectively. Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont are member of both associations. New Jersey is also a member of NESCAUM. NESCAUM and NEWMOA were founded in 1967 and 1986, respectively to provide forums for information sharing and for the coordination of environmental policies and programs among their member states.

The New England Governors' Conference (NEG), Inc., an informal alliance since colonial days, was formally established in 1937 by the Governors of the six-state region to promote New England's economic development. In 1981, the Conference incorporated a non-partisan, non-profit, tax-exempt 501(c)3 corporation. The region's six Governors serve as its Board of Directors. The NEG's framework permits the Governors to work together, to coordinate and implement policies and programs that are designed to respond to regional issues. The NEG coordinates regional policy programs in the areas of economic development, transportation, environmental, energy, and health, among others. Through these efforts, the Conference seeks to coordinate effectively and cost-efficiently regional policies that reflect and benefit the states. The NEG manages committees of state officials in such areas as energy, the environment, and economic development.